

JAP:NR

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

MARIO EDGARDO ANTUNEZ MORAN,  
also known as  
"Carlos Giraud,"  
"Mario Antunes" and  
"Mario Antunez-Moran,"

Defendant.

AFFIDAVIT AND COMPLAINT  
IN SUPPORT OF AN ARREST  
WARRANT

M. No. \_\_\_\_\_  
(T. 8, U.S.C., §§ 1326(a)  
and 1326(b) (1))

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EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW LEW, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about April 27, 2012, within the Eastern District of New York and elsewhere, the defendant MARIO EDGARDO ANTUNEZ MORAN, also known as "Carlos Giraud," "Mario Antunes" and Mario Antunez-Moran," being an alien who had previously been arrested and convicted of a felony, and was thereafter excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to

the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326 (b) (1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about April 27, 2012, the defendant MARIO EDGARDO ANTUNEZ MORAN, also known as "Carlos Giraud," "Mario Antunes" and Mario Antunez-Moran," was arrested by the New York City Police Department ("NYPD"), 75th Precinct, in Brooklyn, New York. The defendant was arrested and charged with (i) Rape in the First Degree in violation of Section 130.35(01) of the New York State Penal Law; (ii) Strangulation in the First Degree in violation of Section 121.13 of the New York State Penal Law; (iii) Assault in the Second Degree in violation of Section

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

120.05(03) of the New York State Penal Law; and (iv) Menacing in the Second Degree in violation of Section 120.14(1) of the New York State Penal Law. The defendant used the name "Carlos Giraud" in connection with this arrest.

3. The NYPD notified ICE of this arrest. ICE officials ran a criminal history report and found that the defendant, a citizen of Honduras, had been previously removed from the United States on February 14, 2002. The defendant used the name "Mario Antunez Moran" in connection with this removal.

4. ICE officials also determined that on or about January 30, 1996, the defendant had been convicted of Criminal Possession of Stolen Property the Fourth Degree, in violation of Section 165.45 of the New York State Penal Law, a felony offense. The defendant used the name "Mario Antunes" in connection with this conviction.

5. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his January 30, 1996 conviction; the fingerprints taken in connection with the defendant's February 14, 2002 removal; and the fingerprints taken in connection with the defendant's April 27, 2012 arrest, and determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant MARIO EDGARDO ANTUNEZ MORAN, also known as "Carlos Giraud," "Mario Antunes" and Mario Antunez-Moran," be dealt with according to law.

Matthew Lew

MATTHEW LEW  
Deportation Officer  
U.S. Immigration and Customs  
Enforcement

Sworn to before me this  
21st day of June, 2012

~~HONORABLE MARILYN D. CO~~  
~~UNITED STATES MAGISTRATE JUDGE~~  
~~EASTERN DISTRICT OF NEW YORK~~